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11 **UNITED STATES DISTRICT COURT**
12 **NORTHERN DISTRICT, OAKLAND BRANCH OF CALIFORNIA**
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14 CHEVRON INTELLECTUAL
15 PROPERTY LLC and CHEVRON U.S.A.
16 INC.,

17 Plaintiffs,

18 vs.

19 THOMAS CUTHBERTSON, individually
20 and doing business as HOMESTEAD
21 AUTO WASH, MARY MARCHESE, an
22 individual, CHRISTOPHER MARCHESE
23 JR., an individual,
24 AND DOES 1-50 INCLUSIVE,

25 Defendant.

Case No. C 07-06407 WDB

**STIPULATION OF DISMISSAL AND
[PROPOSED] ORDER**

26 Complaint Filed: December 19, 2008
27 Trial Date: None Set
28

STIPULATION OF DISMISSAL

Pursuant to Fed. R. Civ. P. 41(a)(1)(ii), Plaintiffs Chevron Intellectual Property LLC and Chevron U.S.A., Inc. ("Plaintiffs") and Defendant Thomas Cuthbertson, individually and doing business as Homestead Auto Wash ("Defendant") hereby stipulate and agree to the dismissal of the entire action without prejudice with each party bearing its own costs and fees.

Dated: April 24, 2008

CALL, JENSEN & FERRELL
A Professional Corporation
Scott J. Ferrell
David R. Sugden
Julie R. Trotter

By: s/Julie R. Trotter
Julie R. Trotter

Attorneys for Plaintiffs

Dated: April 24, 2008

DONAHUE GALLAGHER WOODS
John C. Kirke

By: s/John C. Kirke
John C. Kirke

Attorneys for Defendant

ORDER

Having considered the joint stipulation of Plaintiffs Chevron Intellectual Property LLC and Chevron U.S.A., Inc. ("Plaintiffs") and Defendant Thomas Cuthbertson, individually and doing business as Homestead Auto Wash ("Defendant"), and good cause appearing in support thereof, the Court hereby orders as follows:

The action entitled *Chevron v. Cuthbertson, et al*, Case No. CV-07-06407 WDB is dismissed *without prejudice*;

IT IS SO ORDERED:

Dated: April _____, 2008

Honorable Wayne D. Brazil
United States District Court Judge

CERTIFICATE OF SERVICE
(United States District Court)

I am employed in the County of Orange, State of California. I am over the age of 18 and not a party to the within action; my business address is 610 Newport Center Drive, Suite 700, Newport Beach, CA 92660.

On April 24, 2008, I have served the foregoing document described as **STIPULATION OF DISMISSAL AND [PROPOSED] ORDER** on the following person(s) in the manner(s) indicated below:

SEE ATTACHED SERVICE LIST

☒ (BY ELECTRONIC SERVICE) I am causing the document(s) to be served on the Filing User(s) through the Court's Electronic Filing System.

☐ (BY MAIL) I am familiar with the practice of Call, Jensen & Ferrell for collection and processing of correspondence for mailing with the United States Postal Service. Correspondence so collected and processed is deposited with the United States Postal Service that same day in the ordinary course of business. On this date, a copy of said document was placed in a sealed envelope, with postage fully prepaid, addressed as set forth herein, and such envelope was placed for collection and mailing at Call, Jensen & Ferrell, Newport Beach, California, following ordinary business practices.

☐ (BY OVERNIGHT SERVICE) I am familiar with the practice of Call, Jensen & Ferrell for collection and processing of correspondence for delivery by overnight courier. Correspondence so collected and processed is deposited in a box or other facility regularly maintained by the overnight service provider the same day in the ordinary course of business. On this date, a copy of said document was placed in a sealed envelope designated by the overnight service provider with delivery fees paid or provided for, addressed as set forth herein, and such envelope was placed for delivery by the overnight service provider at Call, Jensen & Ferrell, Newport Beach, California, following ordinary business practices.

☐ (BY FACSIMILE TRANSMISSION) On this date, at the time indicated on the transmittal sheet, I transmitted from a facsimile transmission machine, which telephone number is (949) 717-3100, the document described above and a copy of this declaration to the person, and at the facsimile transmission telephone numbers, set forth herein. The above-described transmission was reported as complete and without error by a properly issued transmission report issued by the facsimile transmission machine upon which the said transmission was made immediately following the transmission.

☐ (BY E-MAIL) I transmitted the foregoing document(s) by e-mail to the addressee(s) at the e-mail address(s) indicated.

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2 [X] (FEDERAL) I declare that I am a member of the Bar and a registered Filing User
for this District of the United States District Court.

3 I declare under penalty of perjury under the laws of the United States of America
4 that the foregoing is true and correct, and that this Certificate is executed on April 24,
5 2008, at Newport Beach, California.

6 s/Julie R. Trotter
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